

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARVIN SIMON, as Authorized Representative)
for the Marvin Simon Trust, as amended, for Palm)
Investors, LLC and for the Jeffrey Markman 1993)
Irrevocable Trust, MARILYN SIMON, CLAUDE)
HARRIS, ANN HARRIS, BEN SIMON, HEIDI)
SIMON, BRITT SIMON, KIM FINK, ANDREW)
FINK, AMY GOLDBERG, STEFAN RESSING,)
Individually and as Trustee of The S. Ressing)
1999 Trust, FITZROY VENTURES, LLC,)
MICHAEL LE, Individually and as Trustee of the)
ML Le 1999 Trust, and MACKENZIE)
VENTURES LLC,)
Plaintiffs,)
vs.)
KPMG LLP and SIDLEY AUSTIN BROWN &)
WOOD LLP, f/k/a/ BROWN & WOOD, LLP,)
Defendants.)

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
J. Erik Sandstedt (JS-9148)
220 St. Paul Street
Westfield, New Jersey 07090
Telephone: 908-928-1700
Facsimile: 908-301-9008

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
Max W. Berger
Douglas M. McKeige
Gerald H. Silk
Avi Josefson
Jai K. Chandrasekhar
1285 Avenue of the Americas, 38th Floor
New York, New York 10019
Telephone: 212-554-1400
Facsimile: 212-554-1444

PATTON, ROBERTS, McWILLIAMS
& CAPSHAW, LLP
Richard A. Adams
George L. McWilliams
Sean F. Rommel
2900 Saint Michael Drive, Fourth Floor
Texarkana, Texas 75503
Telephone: 903-334-7000
Facsimile: 903-334-7007

Co-Lead Counsel for Movants

PLEASE TAKE NOTICE that on such date and time to be set by the Court, proposed intervenors Thomas R. Becnel, the Becnel Family Trust, CST Trust, BCTS LLC and Jardine Ventures LLC (the “Arkansas Plaintiffs”) will respectfully move this Court before the Honorable Dennis M. Cavanaugh, United States District Judge, at the United States District Court for the District of New Jersey, located at 50 Walnut Street, Newark, New Jersey 07101, for an Order (1) pursuant to Rule 24 of the Federal Rules of Civil Procedure for leave to intervene in this action as plaintiffs and (2) to stay this action pending the resolution of the Arkansas Plaintiffs’ pending emergency motion in the related action entitled *Becnel, et al. v. KPMG LLP, et al.*, No. 05-6015 (W.D. Ark. filed on Jan. 28, 2005).

This motion is based upon this Notice of Motion, the accompanying Memorandum of Law in support thereof, the Declaration of J. Erik Sandstedt filed herewith, the pleadings and other files herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, the Arkansas Plaintiffs respectfully request that the Court: (1) grant them leave to intervene in this Action as plaintiffs; (2) stay this Action pending the resolution of the Arkansas Plaintiffs' emergency motion in the *Becnel* action by the United States District Court for the Western District of Arkansas; and (3) grant such other and further relief as the Court may deem just and proper.

Dated: June 28, 2005

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

/s/ J. Erik Sandstedt
J. Erik Sandstedt (JS-9148)
Stephen W. Tountas
220 St. Paul Street
Westfield, NJ 07090
(908) 928-1700

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

Max W. Berger
Douglas M. McKeige
Gerald H. Silk
Avi Josefson
Jai Chandrasekhar
1285 Avenue of the Americas
New York, NY 10019
(212) 554-1400

**PATTON, ROBERTS, McWILLIAMS
& CAPSHAW, LLP**

RICHARD A. ADAMS
GEORGE L. McWILLIAMS
SEAN F. ROMMEL
2900 Saint Michael Drive, Fourth Floor
Texarkana, Texas 75503
Telephone: 903-334-7000
Facsimile: 903-334-7007

CO-LEAD COUNSEL FOR MOVANTS

**ARNOLD, BATSON, TURNER &
TURNER**

501 Crittenden St., P. O. BOX 480
Arkadelphia, Arkansas 71923
Telephone: 870-246-9844
Facsimile: 870-246-9845
W. H. "DUB" ARNOLD

KEIL & GOODSON
611 Pecan Street
P.O. Box 618
Texarkana, Arkansas 71854
Telephone: 870-772-4113
Facsimile: 870-773-2967
JOHN C. GOODSON

LIAISON COUNSEL FOR MOVANTS

TARCZA & ASSOCIATES L.L.C.
1310 Whitney Building
228 St. Charles Avenue
New Orleans, Louisiana 70130
Telephone: 504.525.6696
Facsimile: 504.525.6701

ROBERT E. TARCZA
Admitted *Pro Hac Vice*

ADDITIONAL MOVANTS' COUNSEL